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Secretary for
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California Regional Water Quality Control Board North Coast Region

John W. Corbett, Chairman

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Arnold
Schwarzenegger
Governor

April 27, 2007

In the Matter of

Water Quality Certification

for the

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, BIG RIVER WATERSHED RESTORATION PROJECT: WDID NO. 1B06095WNME

RECEIVING WATER: Big River
HYDROLOGIC AREA: Big River Hydrologic Area No. 113.30
COUNTY: Mendocino County
APPLICANT CONTACT: Ms. Renee Pasquinelli

BY THE EXECUTIVE OFFICER:

1. On June 28, 2006, the California Department of Parks and Recreation (CDPR) filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Big River Watershed Restoration Project. The Regional Water Board provided public notice of the application pursuant to Title 23, California Code of Regulations, section 3858 on February 27, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The purpose of the project is to stabilize the roadway, rehabilitate the drainage system and minimize sediment transport.
3. The proposed project consists of restoration work in multiple locations on the various logging roads located east of the mouth of the Big River. The work will include road decommissioning and conversion into recreational trails, stabilizing or removing skidtrails and landings to restore riverine functions, improving fish passage and opening up new habitat for spawning and rearing. More specifically, work will involve: 1) excavating and removing road fill from stream channels to establish original width, depth, alignment and gradient; 2) pulling back sidecast material along roadsides; 3) decompacting road surfaces where revegetation is needed; 4) retrieving and removing debris (culverts, cable, concrete foundations, etc.) that impact hydrologic processes and natural habitats; 5) restoring the natural

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configuration of the land (ridges, stream valleys, and swales) along roadway corridors; 6) removing non-native invasive vegetation; 7) mulching disturbed sites with excess woody debris from excavations, and; 8) replanting disturbed areas with native species. Additional work is proposed at the existing entry access and parking area for the Big River Property. Existing conditions encourage visitors to drive and park outside of the designated zones, thus damaging existing habitats. Additional problems are experienced at the boat ramp and the portable toilet areas. Objectives for the parking area include the following: 1) provisions for delineating parking areas for at least 100 vehicles, through the placement of large boulders; 2) provision of parking spaces for approximately 20 vehicle-trailer combinations; 3) gravel road-base surfacing of existing road and designated parking areas; 4) restriction of motor vehicle access to areas outside designated parking areas, through the placement of large boulders; 5) designation of a single boat-launch area and ramp, including posting of pertinent laws and regulations; 6) construction of permanent vault-type toilet building toward the eastern end of the Big River entry area, outside the 100-year flood plain, and; 7) posting of regulatory, informational, and interpretive signs in the entry area. Work is also proposed at the Big River Rock Quarry, which is located approximately 0.75-miles east of the main entry area. Quarry operations have been terminated since 2002; however the operator has not completed the reclamation plans for the quarry. The CDPR will assume responsibility for reclaiming and restoring the quarry site in order to resolve the current management issues. Work at the quarry site will involve stabilizing the quarry walls, and to the maximum extent possible returning the pit to natural grade.

4. Approximately 18,125 cubic yards of fill material will be removed during restoration efforts. A large amount of this material will be used to fill the existing quarry on the site as well as to repair the parking area.
5. This project is designed to be self mitigating. CDPR will adopt best management practices and use materials, methods, and techniques to implement erosion and sedimentation control and to otherwise stabilize slopes and barren soil surfaces. CDPR will also implement a monitoring schedule that will evaluate the integrity and performance of the implemented erosion and sedimentation control measures. Additionally all exposed soil areas will be revegetated with native vegetation. The revegetated areas will be monitored for five years to ensure that vegetation will meet or exceed preconstruction levels. Monitoring will also ensure that vegetation cover is at least 80% native.
6. Impacts to waters of the State and the United States are minimal because the primary purpose of the project is to prevent sediment from entering waters of the State and United States. The project has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the State and United States.
7. On October 31, 2006, the Department of Parks and Recreation adopted a mitigated negative declaration (SCH No. 2006072012) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

Receiving Water: Unnamed tributaries to Big River
Big River Hydrologic Area No. 113.30
Mendocino Coast Hydrologic Unit No.113.00

Latitude/Longitude: 39° 17' 53"N / -123° 43' 40" W

Filled or Excavated Area: Area Permanently Impacted: 0.2 acres of an unnamed tributary to the Big River. Additional permanent impacts to the quarry site and parking area are approximately 4.0 acres.

Expiration: October 15, 2010.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CDPR BIG RIVER WATERSHED RESTORATION PROJECT (FACILITY NO. 1B06095WNME), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the CDPR complies with the following terms and conditions:

1. This Water Quality Certification is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Water Quality Certification.
2. CDPR shall construct the project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
3. CDPR shall provide Regional Water Board staff access to the project site to document compliance with this certification.
4. CDPR shall provide a copy of this certification and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. CDPR shall be responsible for work conducted by its contractor or subcontractors.
5. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or

license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the State Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

6. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, the CDPR shall immediately cease work on the project and notify the Regional Water Board.
7. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
8. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person
 - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
9. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.
10. The authorization of this certification for any dredge and fill activities expires on October 15, 2010. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
11. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.

12. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
13. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
14. The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under title 23, California Code of Regulations, section 3833, unless otherwise stated in writing by the certifying agency.
15. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
16. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly.
17. If construction dewatering is found to be necessary, the applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
18. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
19. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water.
20. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions.

Catherine E. Kuhlman
Executive Officer

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Enclosures: State Water Resources Control Board Order No. 2003-0017-DWQ,
General Waste Discharge Requirements for Dredge and Fill Discharges
That Have Received State Water Quality Certification.

Original sent to: Ms. Renee Pasquinelli, CDPR, P.O. Box 440, Mendocino, CA
95460

Copies sent to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water
Act Section 401 Certification and Wetlands Unit Program

U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863,
Eureka, CA 95502

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
Functions, 1455 Market St. San Francisco, CA 94103